

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

**Criminal Revision No. 473/2001
(Old No. 1703/1993)**

Ayoob S/o Muratib

Versus

Addl. Sub-Divisional Magistrate and others

.....Revisionist

.....Respondents

Hon'ble Irshad Hussain, J.

None appear for the revisionist despite service. Heard Sri H.C. Pandey learned A.G.A and perused the record.

This is a revision against the order dated 17.9.1993 passed by O.P. No.1 in case no. 8/1993 whereby the proceedings under Section 145 of the Code of Criminal Procedure (for short 'Code') were dropped in view of the fact that there was no apprehension of breach of peace and none of the parties have adduced any evidence in support of their respective submissions. Even no objection was filed against the report of the police station and there being no dispute in regard to the property in question. The learned Magistrate had no the same is not biased. The order of attachment was passed under Section 146(1) of the Code and since the proceedings itself were dropped the attachment ceased to have any legal effect and no specific order was required to pass in that regard. Considering this there being no illegality in the impugned order, the revision is devoid of merit and is hereby dismissed.

(Irshad Hussain, J.)

Dated 26.03.2004

Rawat